

CHAPTER 8.09. ~~HAZARDOUS~~ VEGETATION ~~MANAGEMENT~~ AND DEFENSIBLE SPACE

## Sec. 8.09.010. - Title.

This ~~chapter~~Chapter shall be known and may be referred to in all proceedings as the County ~~Hazardous~~ Vegetation ~~Management~~ and Defensible Space Ordinance. The purpose of this ~~chapter~~Chapter is to provide for the removal of hazardous vegetation and combustible materials situated in the unincorporated areas of the County so as to reduce the potential for fire and to promote the safety and welfare of the community.

Sec. 98.029.015. - Conflict of ordinances.

- A. The operation of this Chapter shall in no way change or diminish the application of other ordinances in this Code dealing with like or similar matters.
- B. In any case where a provision of this, or any other, Chapter is found to be in conflict with a provision of any zoning, building, fire safety, or health ordinance or any other section of the Code, including fines, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- C. It is not intended by this Chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with private restrictions placed upon property by covenant, deed, or other private agreement except those specifically repealed by this Chapter.
- ~~D. In cases where two or more provisions of this or any other Chapter conflict, the most stringent or restrictive shall prevail.~~

## Sec. 8.09.020. - Findings.

- A. The Board of Supervisors of El Dorado County (hereinafter "County") finds and declares that the uncontrolled growth and/or accumulation of weeds, grasses, hazardous vegetation and combustible materials or obstructions on sidewalks, streets, and on lands or lots within the County is dangerous or injurious to neighboring property and the health, ~~safety~~safety, and welfare of residents of the County. Such growth and accumulation constitute a public nuisance in that it creates ~~fire~~Fire ~~hazards~~Hazards, reduces the value of private property, promotes blight and deterioration, invites plundering, constitutes an unattractive nuisance and creates a hazard to the health, ~~safety~~safety, and general welfare of the public;

- B. It is the intent of the County that this ~~chapter~~Chapter shall apply to ~~an annual program for~~ the ~~A~~abatement of the growth and/or accumulation of weeds, grasses, shrubs, dormant brush, slash, tree limbs, hazardous vegetation and combustible materials on all ~~improved~~Improved parcels-Parcels and designated ~~unimproved~~Unimproved parcels-Parcels within the County and maintenance of those parcels to prevent vegetation from growing back;
- C. ~~All parcels in the County have been identified and designated as being within either a State Responsibility Area (SRA) or Local Responsibility Area (LRA) as either a Moderate, High or Very High Fire Hazard Severity Zone by the California Department of Forestry and Fire Protection (CAL FIRE) in accordance with the Fire and Resource Assessment Program (FRAP) Map. The County is located in a mountainous and/or hilly region of Northern California. The County has a diverse and complex landscape which includes mountains, forests, chaparral or grass covered wildlands which have the potential to fuel a catastrophic fire event;~~
- D. ~~Catastrophic wildfire events pose a serious threat to the preservation of public peace, health and safety within any wildland urban interface and intermix communities. The proper implementation and enforcement of hazardous fuel regulations and landscaping requirements have been proven to reduce the impact from destructive wildfires through the mitigation of hazardous fuel conditions around homes and roadways;~~
- E. ~~Wildfires with extreme fire behavior are occurring more often and growing larger in size. Eighteen (18) of the twenty (20) most destructive wildland fires in the State of California have occurred between 2002-2022. Over the last two (2) decades, wildfires with extreme fire behavior are occurring more often and growing larger in size. Eighteen (18) of the twenty (20) most destructive wildland fires in the State of California have occurred during this period of time.~~ The County in particular has a history of destructive wildfires which have burned within its boundaries. These include the 2007 Angora Fire, 2014 King Fire, 2021 Caldor Fire and the 2022 Mosquito Fire. Climate change stressors, such as increased average air temperature, precipitation variability, reduced snowpack, drought, and tree mortality, will lead to an increased frequency of large wildfires that will create adverse impacts on local communities in the County.
- ~~The County is located in a wildland/suburban interface in which many of the native and non-native plant species within the jurisdictional boundaries of the County are highly flammable during dry periods and have contributed to significant wildfires resulting in catastrophic fire losses to life, propertyproperty, and the environment. The risk of significant wildfires continues to increase for numerous reasons;~~

- ~~D. The County has a diverse and complex landscape which includes mountains, forests and other brush, or grass covered wildlands which have the potential to fuel a catastrophic fire event;~~
- ~~E.F.~~ Of paramount importance to the Board of Supervisors and the citizens of the County is the protection of lives and property from the threat of fire and the safety of fire and law enforcement personnel during wildfires;
- ~~G.~~ During periods of drought and declared "fire seasons" the County generally has a dry, arid climate ~~conductive~~conductive to wildfires. Many of the County's native and non-native plant species can be highly combustible during both drought and normal dry periods that have contributed to significant wildfires within the County;
- ~~H.~~ The County has difficult topography, terrain, and weather conditions that exacerbate the fire danger and that can create significant challenges for firefighters attempting to suppress wildfires. Many communities and individual residential, commercial, and industrial structures in the County are located in areas that are at significant risk from wildfires due to their close proximity to steep topographical conditions that allow for rapid fire spread that can overwhelm the available firefighting resources in the County;
- ~~I.~~ It is the purpose of this ~~chapter~~Chapter to establish a ~~hazardous~~Hazardous ~~vegetation~~Vegetation and ~~combustible~~Combustible ~~material~~Material ~~abatement~~Abatement program that protects the lives and property of the citizens of the County; ~~and~~
- ~~G.I.~~ It is the County's intent to make fire safe communities, thus giving citizens better opportunities for affordable fire insurance; ~~and~~;
- ~~K.~~ California Public Resource Code Section 4291 and Government Code Section 51182 both establish that a minimum defensible space clearance of no less than 100-feet is required around structures to protect them from the threat of a wildfire. Due to the County's steep terrain, weather conditions, age of the structure, limited roadways to allow concurrent emergency vehicle access and public evacuation, ~~inadequate~~ limited water supply for fire protection, and hazardous vegetation present within communities and individual properties, additional clearance beyond 100-feet may be required, on a case-by case basis, around structures to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure. No other feasible mitigation measures to reduce the risk of ignition or spread of wildfire to the structure

is present as many of these structures are existing and no other practical measures would adequately reduce this risk.

#### Sec. 8.09.030. - Definitions.

**Abate or Abatement** shall mean an act used to remove, destroy, eliminate, seize, impound, or any action taken to mitigate a public nuisance.

**Abatement Costs** means the cost of staff time based on weighted salary consisting of base pay plus benefits; actual cost of mobilization, removal, disposal, of Waste, Weeds, grasses, Hazardous Vegetation and Combustible Materials, and actual cost to repair or Abate hazardous conditions.

**Accumulation of ~~weeds~~Weeds, ~~grasses~~Grasses, ~~hazardous~~Hazardous ~~vegetation~~Vegetation, and ~~combustible~~Combustible materials-Materials** means allowing the growth or accumulation of ~~weeds~~Weeds, grasses, ~~hazardous~~Hazardous ~~vegetation~~Vegetation and/or the accumulation of ~~combustible~~Combustible materials-Materials as defined below.

**Biomass** shall mean all green waste material generated during a fuel treatment project. Biomass includes, without limitation, all grass, ~~w~~Weeds, vegetation, and tree trimmings.

**Combustible ~~material~~Material** means the accumulation of garbage, rubbish, ~~waste~~waste, or material of any kind other than ~~hazardous~~Hazardous ~~vegetation~~Vegetation that is flammable and endangers the public safety by creating a ~~fire~~Fire ~~hazard~~Hazard.

**County ~~emphasis~~Emphasis area-Area** means an area designated by the County for focused, proactive inspections.

**Critical Infrastructure** means a use or facility classified within one or more of the following categories: (1) Essential Services Facilities, (2) At-risk Populations Facilities, (3) Hazardous Materials and Solid Waste Facilities,

- > Essential Services Facilities include, without limitation, public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and equipment, and government operations facilities.

- > At Risk Population Facilities include, without limitation, pre-schools, public and private primary and secondary schools, before and after school care centers with 12 or

more students, daycare centers with 12 or more children, group homes, and assisted living residential or congregate care facilities with 12 or more residents.

> Hazardous Materials and Solid Waste Facilities include, without limitation, any facility that could, if adversely impacted, release of hazardous materials or waste in sufficient amounts during a hazard event that would create harm to people, the environment and property.

**Defensible ~~space~~ Space** means the buffer that ~~landowners~~ Responsible Person(s) is(-are) required to create on their property between a "Structure" and the plants, brush and trees or other items surrounding the "Structure" that could ignite in the event of a fire. ~~in the context of fire control, is a natural and/or landscaped area around a structure that has been maintained and designed to reduce fire danger.~~

**Enforcement Official** means the ~~chief~~ Chief administrative ~~Administrative officer~~ Officer or her/his designees.

**Fire Chief** means the chief of any fire department/district located wholly or partially located in El Dorado County.

**Fire Hazard** shall mean any condition, arrangement, act, or omission which:

1. Increases, or may cause an increase of hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire; or
2. May obstruct, delay, hinder, or interfere with the operations of a fire department or the egress of occupants in the event of fire.

**Garbage** includes, but is not limited to, the following: Waste resulting from the handling of edible foodstuffs or resulting from decay, and solid or semisolid putrescible waste, and all other mixed, non-recyclable wastes which are generated in the day-to-day operation of any business, residential, governmental, ~~public~~ public, or private activity, and may include paper, plastic, or other synthetic material, food, or beverage containers.

**Hardwood** generally indicates trees which have broad leaves—deciduous trees (such as oak, alder, dogwood, and madrone).

**Hazardous ~~vegetation~~ Vegetation** shall mean any vegetation that is combustible and endangers the public safety by creating a ~~f~~Fire ~~h~~Hazard. Hazardous ~~v~~Vegetation includes material that in its natural state will readily ignite, burn, and transmit fire from native or landscape plants to any Structure or other vegetation. Hazardous ~~v~~Vegetation includes, but is not limited to, dry grass and leaves, brush, weeds, green waste, dead or dying trees, low-

~~hanging branches, litter, or other flammable vegetation that create a fFire hHazard. Hazardous vVegetation shall not include a commercial agricultural crop that is being actively grown and managed by the property owner or his or her legal tenanta Responsible Person, means any vegetation that is flammable and endangers the public safety by creating a fire hazard including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves, needles, tumbleweeds, and under growth vegetation. Hazardous vegetation also includes live or dead vegetation that allows a fire to climb up from the landscape or the forest floor into the tree canopy, and otherwise referred to as "ladder fuels."~~

**Improved ~~parcel~~ Parcel** means a portion of land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's parcel number upon which a ~~structure~~ Structure is located.

**Investigative Official** means the chief of a fire department/district in El Dorado County or his/her designee; Chief of Cal Fire Amador/El Dorado Unit or his/her designee; or personnel designated by the Chief Administrative Officer.

**Ladder Fuels** means fuels that can carry a fire vertically between or within ~~eCombustible mMaterial or hHazardous vVegetation.~~

**Outbuilding** means a ~~building or~~ structure that is less than one hundred-twenty (120) square feet in size and not used for human habitation. For purposes of this Chapter, an "Outbuilding" is not a "Building or Structure" as defined below.

~~PRC 4291 shall mean California Public Resource Code Section 4291, and to include California Government Code Section 51182, as amended.~~

**Real ~~estate~~ Estate ~~transaction~~ Transaction** means the transfer of property between individuals or entities.

**Responsible ~~p~~ Person(s)** means an owner, tenant, occupant, lessor, manager, licensee, ~~political subdivision, local government agency, municipality, or other person having control over a Structure or parcel of land or, to the fullest extent allowed by law, the parent or legal guardian of any person under 18 years who have done any act for which a penalty may be imposed under this Chapter, or any other person required to comply with the provisions of the Code and, any other lien holder, secured party, or other person who has properly recorded a security interest or other appropriate document evidencing an interest in the property, which has been recorded in the official records of the County.~~



**Rubbish** includes, but is not limited to, non-putrescible ~~wastes~~Wastes, such as paper, cardboard, grass clippings, ~~tree~~tree, or shrub trimmings, leaves and needles, wood chips used in landscaping or within five feet of a ~~structure~~Structure, bedding, crockery, rubber tires, construction ~~waste~~Waste and similar ~~waste~~Waste materials.

**Slash** means the woody debris remaining on the ground after fuels management work: Slash including but not limited to treetops, branches, bark, chunks, cull logs, uprooted stumps, and uprooted trees.

**Softwood** means the wood from a conifer (such as pine, cedar, fir, or spruce) as distinguished from that of broadleaved trees.

**Structure** as used in this ~~chapter~~Chapter, is defined to include buildings- which qualify for occupancy classification and use designation per the County building code, such as residential dwellings (which includes trailers and mobile homes, whether situated in a park or installed on private property), commercial buildings, industrial buildings, agricultural buildings, barns, storage buildings, government buildings, and any accessory buildings thereto deemed appropriate for a site address by the County Surveyor.

Exception: Any freestanding shed, pump house or any enclosure that is an outbuilding s less than 120 square feet or less in floor area is exempt.

**Unimproved ~~parcel~~Parcel** means land of any size, the area of which is determined by the Assessor's maps and records and may be identified by an Assessor's parcel number upon which no ~~structure~~Structure is located.

**Vegetation** means plants considered collectively, especially those found in a particular area or habitat. For the purposes of this ~~chapter~~Chapter any tree less than six inches in diameter is considered ~~vegetation~~Vegetation.

**Waste** means all putrescible and non-putrescible solid, semi-solid, and liquid wastes, including residential, commercial, and municipal garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, ~~construction~~construction, and demolition debris, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid wastes and semisolid wastes.

**Weeds** include any of the following:

1. Weeds which bear seeds of a downy or wingy nature;

2. Weeds and grasses which attain such growth as to become, when dry, a fire menace to adjacent ~~improved~~ Improved property ~~Parcel~~;
3. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health;
4. Dry grass, stubble, brush, or other flammable ~~vegetation~~ Vegetation which endangers the public safety by creating a ~~fire~~ Fire hazard ~~Hazard~~.
5. Vegetation that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent property.

**Wildfire** ~~risk~~ Risk area ~~Area~~ refers to lands that are covered with grass, grain, ~~brush~~ brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon it would present an abnormally difficult job of suppression or would result in great or unusual damage through fire or such areas designated by the ~~enforcement~~ Enforcement official ~~Official~~.

#### **Sec. 8.09.040. - California Environmental Quality Act (CEQA).**

The subject project is Categorically Exempt (Classes ~~4 and 8~~) from provisions of CEQA, pursuant to 14 CCR Section sections 15304 and 15308 of the CEQA guidelines. The subject project is also exempt under the "common sense" exemption in 14 CCR section 15061(b)(3) because it does not involve activity that will have a significant effect on the environment.

#### **Sec. 8.09.050. - Legal ~~authority~~ Authority for the County ~~ordinance~~ Ordinance.**

The County has the legal authority to adopt the provisions contained in this ~~chapter~~ Chapter as specified below:

- A. ~~The~~ California Health and Safety Code ~~Part 5~~, sections 14875-14931, which provides that an accumulation of ~~weeds~~ Weeds, grasses, ~~hazardous~~ Hazardous vegetation ~~Vegetation~~ and other ~~combustible~~ Combustible material ~~Material~~ may be declared a public ~~nuisance, and~~ nuisance and provides guidelines for enforcement and ~~abatement~~ Abatement by the County of such nuisance as ~~fire~~ Fire hazards ~~Hazards~~, and payment of such ~~abatement~~ Abatement costs ~~Costs~~ incurred by the County to remove such ~~hazardous~~ Hazardous vegetation ~~Vegetation~~ and ~~combustible~~ Combustible material ~~Material~~. This Code also provides for penalties for violations of this ~~chapter~~ Chapter by ~~property owners~~ Responsible Persons.



- B. ~~The~~ California Fire Code (CFC) Title 24, Part 9, Chapter 3, section 304.1.2, and Chapter 49 (Requirements for Wildland-Urban Interface Fire Areas), as locally adopted with amendments by the Fire Districts, provides minimum standards to increase the ability of a ~~structure~~ Structure to resist the intrusion of flame or burning embers being projected by a wildfire.
- C. ~~The California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299, and California Code of Regulations Title 19 §3.07 California Code of Regulations Code, 14 CCR, sections 1270.01-1276.03 and 19 C.C.R., Division 1, Chapter 7, Subchapter 1, section 3.07.19 CCR section 3.07.~~
- D. ~~The~~ California Public Resources Code section 4291 and California Government Code section 51182, as amended, which requires a ~~person~~ Person or entity that owns, leases, controls, operates, or maintains a building or ~~structure~~ Structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass covered lands, or land that is covered with flammable material, to maintain ~~defensible~~ Defensible space Space of 100 feet from each side and from the front and rear of the ~~structure~~ Structure, and which provides for required fuel modification so as to ensure that a wildfire burning under average weather conditions would be unlikely to ignite the ~~structure~~ Structure on the property.
- E. ~~The California~~ Government Code sections 25845 and 25845.5, which provide that the Board of Supervisors may establish procedures for the ~~abatement~~ Abatement of a nuisance and regarding enforcement mechanisms available for the County to ensure that the costs incurred by the County in ~~abating~~ Abating the nuisance consisting of accumulation of ~~weeds~~ Weeds, grasses, ~~hazardous~~ Hazardous vegetation Vegetation and other ~~combustible~~ Combustible materials Materials are recovered from the ~~property owner~~ Responsible Person who fails to ~~abate~~ Abate such nuisance after notice from the County to do so.
- F. California Civil Code section 1102.19, which provides that on and after July 1, 2021, a seller of a real property in this County, and subject to this article Chapter, and that is located in a high or very high ~~Fire~~ Hazard severity zone, shall provide to the buyer documentation stating that the property is in compliance with this Chapter prior to the close of escrow. The seller shall also provide the buyer information on the local agency from which a copy of that documentation may be obtained prior to the close of escrow.

**Sec. 8.09.055. - Collection of Administrative Fines or Fees.**

Fines or fees incurred in connection with enforcement activities may be recovered through the billing process. Those fines or fees billed shall be paid within 30 days after the date of the imposition of the fine or billing, whichever is earlier. Any fines or fees not paid within such 30-day period shall be subject to a late fee in the amount of ten percent of the established fine or fee. The total fine or fee plus late fee as described herein shall accrue interest at a rate established by a resolution of the Board. Any fine or fee which remains unpaid 90 days after the due date may be referred to the County Revenue Recovery for collection purposes and will be subject to additional fees to cover the cost of collection.

**Sec. 8.09.060. - Prohibited ~~conduct~~ Conduct.**

A ~~person~~ Responsible Person shall not dump, nor permit the dumping of ~~weeds~~ Weeds, grasses, ~~hazardous~~ Hazardous vegetation Vegetation, refuse, or other ~~combustible~~ Combustible material Material, nor shall a ~~person~~ Responsible Person permit the accumulation of ~~weeds~~ Weeds, grasses, ~~hazardous~~ Hazardous vegetation Vegetation, refuse, or other ~~combustible~~ Combustible material Material on that ~~person's~~ Responsible Person's property or on any other property so as to constitute a ~~fire~~ Fire hazard Hazard.

**Sec. 8.09.070. - Duty to ~~remove~~ Remove and ~~abate~~ Abate hazardous Hazardous vegetation Vegetation and ~~combustible~~ Combustible material Material.**

- A. ~~It shall be the duty of every owner, occupant, and person~~ Responsible Person in control of any parcel of land or interest therein, which is located within the County to remove, or abate Abate, all ~~hazardous~~ Hazardous vegetation Vegetation and ~~combustible~~ Combustible material Material, which constitutes a ~~fire~~ Fire hazard Hazard and may endanger or damage neighboring property.
- B. ~~The owner, lessee or occupant~~ Person of buildings, grounds, or lots within the County shall remove from such property and adjacent streets all ~~waste~~ Waste, garbage, rubbish, ~~weeds~~ Weeds, ~~hazardous~~ Hazardous vegetation Vegetation, or other ~~combustible materials growing or accumulated thereon in accordance with the procedures and methods prescribed in this chapter~~ Chapter and by the ~~Enforcement Official~~.
- C. This ~~chapter~~ Chapter creates minimum rules for ~~vegetation~~ Vegetation management Hazardous Vegetation and Defensible Space in the County. Any legal entity, if it wishes, can adopt ~~vegetation~~ Vegetation management Hazardous Vegetation and Defensible Space regulations that provide for rules that are more

restrictive than the County's. The County with local and/or state partners may conduct inspections in selected areas or in response to residential complaints.

- D. Any home-owners association (HOA), lighting and landscape district, subdivision development, special district, or other entity that has a developed and approved Wildland Fire Safe Plan in accordance with the County's General Plan requirement ~~and or Fire Protection Plan as required within~~ CFC Chapter 49, as amended, shall be granted a reasonable amount of time to comply with this ordinance not to exceed five years from the date which this ordinance was approved and ratified by the Board of Supervisors (May 30, 2019).
- E. Prior to the close of any Real Estate Transaction subject to Civil Code section 1102.19 within the County, the seller of any real property shall obtain a defensible space inspection report from an Investigating Official that the property is in compliance with this Chapter and provide that report to the buyer at or before the close of escrow. If the property inspected is found not in compliance with this Chapter the Responsible Person(s) will need to perform the necessary wildfire protection measures as specified within the inspection report and have the property inspected again prior to escrow or the buyer shall agree to achieve compliance within 90 days as specified in this Chapter. If documentation of compliance is not available an Investigating Official is unable to provide a defensible space inspection report at the time of escrow, the buyer shall request a report documentation from an Investigating Official stating the property is in compliance with 8.09.070.E. this Chapter within 90 days after the close of escrow, unless otherwise approved by the Enforcement Official. Nothing in this subsection, including the existence of an agreement between a buyer and a seller, shall limit the ability of the Enforcement Official to enforce the provisions of this Chapter.~~Prior to the close of any real Estate sales transaction Transaction within the County, the requirements for property owners Responsible Person(s) to comply with the Vegetation Management Ordinance shall be disclosed to all potential property owners.~~buyer
- F. All Persons who own, lease, control, operate or maintain any improved~~Improved parcel~~Parcel(s), shall comply with the following requirements:
1. Maintain defensible~~Defensible space~~Space as described in California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 3, Section 1299.03, as amended, and as otherwise described by this ~~of 100 feet~~Chapter, which is adjacent to each side of a building or sStructure, but not beyond the property line except as provided in this Chapter, and must be cleared of hHazardous vVegetation, or eCombustible mMaterial, as set forth in this chapter~~Chapter~~ from

- ~~each side and from the front and rear of the structure, but not beyond the property line except as provided in Paragraph 11. The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation.~~
2. Consistent with ~~fuels management~~Hazardous Vegetation and Defensible Space treatment objectives, steps should be taken to minimize erosion. ~~For the purposes of this paragraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.~~
  3. A greater clearance distance, up to 300-feet, than that required ~~under Paragraph 4 in this Chapter~~ may be required ~~by State law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the State law, local ordinance, rule, or regulation when the inspection report by the Investigating Official, and supported by the Enforcement Official, includes findings documented information~~ that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the ~~structure~~Structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the ~~structure~~Structure.
  4. ~~Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner. A person is not required under this section to manage hazardous vegetation on land if that person does not have the legal right to manage vegetation, nor is a person required to enter upon or to alter property that is owned by any other person without the written consent of the owner of the property.~~
  5. Outbuildings greater than 120 square feet in size shall be provided with a minimum 30-foot clearance.
- ~~Remove that portion of a tree that extends within ten feet of the outlet of a chimney or stovepipe.~~

- ~~6. Maintain trees, shrubs, or other plants adjacent to or overhanging a building free of dead or dying wood.~~
- ~~7. Maintain the roof of a structure free of leaves, needles, or other vegetative materials.~~
- ~~8. A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the written consent of the owner of the property.~~
- ~~9. Cultivated and useful grasses and pastures shall not be considered a public nuisance. However, if the County's Enforcement Official determines it necessary to protect adjacent improved property from fire exposure, an adequate firebreak may be required.~~
10. The Responsible ~~Party~~Person(s) who perform ~~h~~Hazardous ~~v~~Vegetation management activities that remove or dispose of ~~v~~Vegetation is required to comply with all federal, state, or local environmental protection laws and obtain permits when necessary. Environmental protection laws include, but are not limited to, threatened and endangered species, water quality, air quality, and cultural/archeological resources. The public and entities should be aware of rare plants areas, riparian areas, and raptor nesting trees on the property and try to avoid these sites.
11. Good neighbor and neighborhood protection policy including unimproved parcels. A 100 foot wide strip of land around structure(s) located on an adjacent improved parcel (some or all of this clearance may be required on the adjacent improved parcel or the adjacent unimproved parcel depending upon the location of the structure on the improved parcel). For example, a structure could be within 70 feet of its property line. The adjacent property owner shall assist its neighbor by completing fuels management on another 30 feet to create a 100 foot strip of treated land. When a ~~s~~Structure is less than 100-feet from a property line and ~~h~~Hazardous ~~v~~Vegetation on an adjacent parcel presents a ~~f~~Fire ~~h~~Hazard for the ~~s~~Structure the Responsible Person of the parcel where the ~~f~~Fire ~~h~~Hazard exists shall be responsible for removing the ~~f~~Fire ~~h~~Hazard in that area on that Responsible Person's land when it is within 100-feet of the ~~s~~Structure. and is needed to provide the necessary fire protection in the manner and to the extent required by this Chapter. The determination for appropriate clearance distances will be made based upon a visual inspection of the parcel and

shall consider all factors that place the property or sStructure(s) at risk from an approaching fire. These factors shall include local weather conditions, fuel type(s), topography, and the environment where the property or sStructure(s) is located.

12. The Responsible Person shall within a reasonable time ensure that iImproved Parcels and Uunimproved Pparcels adjacent to all roads\_s ways and driveways, that have been designated by the County-Enforcement Official (or their designee) to be necessary for the safe ingress and egress to the area served by the road\_way or fire-emergency vehicle access easement\_, and the current condition of fuels on the Iimproved Parcel or unimproved-Unimproved parcel Parcel is assessed by the County-Enforcement Official as an extra-hazardous-fireFire Hazard condition-which must be treated or abatedAbated, shall comply with the following.
- a. All Ladder fFuels shall be cleared to a minimum width of a ten (10') feet wide strip of land beyond the road or driveway. Additional clearance width beyond 10' may be required by the Enforcement Official when documented information is provided by the Investigating Official that the clearance is necessary to significantly reduce the risk of transmission of flame or heat that can obstruct the road or driveway.
  - b. All vegetation along roads and driveways shall be maintained to an unobstructed vertical clearance height of no less than fifteen (15') feet pto allow for the passage of emergency vehicles.

G. Critical IInfrastructure sites shall comply with the following requirements:

1. Essential Service and At-Risk Population Structures and accessory buildings 120 square feet in size or larger that support the operations of the facility shall comply with this Chapter.
2. Individual aboveground LP-Gas and flammable liquid storage tanks greater than 2,000 gallons water capacity shall comply with the following defensible space clearance requirements:
  - a. A minimum 50-foot clearance on all sides of the tank when the capacity is between 2,001 and 30,000 gallons.
  - b. A minimum 75-foot clearance on all sides of the tank when the capacity is between 30,001 and 70,000 gallons.



- c. A minimum 100-foot clearance on all sides of the tank when the capacity exceeds 70,000 gallons.
  - d. Regardless of capacity storage tanks shall have 10-feet of clearance to bare mineral soil, or other approved non-combustible surface, and no hazardous vegetation underneath and around the immediate exterior of the tank.
  - e. Storage tanks shall comply with the ~~Zone 1 and Zone 2~~ defensible space requirements described in this Chapter between 10-feet and 100-feet of the tank exterior.
3. Lumber yards, Agro-Industrial, Solid Waste and Woodworking Facilities subject to the requirements found in California Fire Code Chapter 28 shall comply with the following defensible space clearance requirements:
- a. The storage of wood chips, hogged materials, Fines, Compost, Solid Biomass, Feedstock and Waste, Agro-Industrial and Recycle Facilities, with individual storage piles greater than 2,500 cubic feet in size, shall comply with the defensible space requirements found in this Chapter. Storage piles shall be separated a minimum of 30-Feet.
  - b. Cold Decks of unfinished logs, and exterior finished lumber storage areas, greater than 8,333 cubic feet in size, shall comply with the defensible space clearance requirements found in this Chapter when they are in use for greater than 180 calendar days. Storage piles shall be separated a minimum of 100-Feet.
4. Free standing photovoltaic systems and equipment shall comply with the defensible space clearance requirements:
- a. A minimum 10-foot clearance to bare mineral soil, or other approved non-combustible surface, for clusters of panels not exceeding 1,500 square feet of combined panel area.
  - b. A minimum 30-foot clearance to bare mineral soil, or other approved non-combustible surface, for clusters of panels greater than 1,500 square feet of combined panel area.
  - c. Clusters shall be separated a minimum of 20-feet.

5. Telecommunication facilities determined by the Enforcement Official to serve as a critical infrastructure site during an emergency, shall comply with the following Defensible Space clearance requirements:
  - a. A minimum 30-foot clearance for telecommunication towers.
  - b. A minimum 100-foot clearance as described in this Chapter around accessory buildings 120 square feet in size or larger that support the operations of the facility.
6. Public and private water distribution system storage tanks and pumping facilities shall have a minimum 30-foot clearance from hazardous vegetation around and adjacent to such facilities as described in this Chapter.
7. The minimum clearance requirements described in this Section may be modified by the Enforcement Official when topographical, environmental, and hazardous vegetation conditions present on the parcel limit the ability of the Responsible Party to fully comply with this Chapter.
8. For the purpose of applying this Section the Defensible Space clearance requirements described need not extend beyond the property line when the Responsible Party does not maintain ownership of the adjoining parcel of land.

#### Sec. 8.09.075. - Violation.

A. Any Responsible Person ~~person~~ who violates a provision of this ~~chapter~~ Chapter or fails to comply therewith or with any of the requirements thereof, shall be subject to remedies available under this ~~chapter~~ Chapter and/or state law, including being cited by County staff. Whenever in this Code any act or omission is made unlawful, it shall include causing, maintaining, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

~~B. — All violations are misdemeanors. Each day that a violation continues shall be deemed a separate offense. Any person convicted of a misdemeanor under the provisions of this Code shall be punished by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding six months, or by both such fine and imprisonment. Unless provided otherwise and at the discretion of the District Attorney, the violation may be reduced to an infraction with maximum penalty of \$500.00. Pursuant to Government Code section 53069.4, if a violation is reduced to an infraction, the administrative fine shall not exceed the maximum fine or penalty amounts for infractions set forth in Government Code sections 25132 and 36900.~~

C. The imposition of any fines prescribed herein shall not preclude ~~abatement~~Abatement of any violation enforced through this ~~chapter~~Chapter by the Enforcement Official or institution of any other civil or criminal legal proceedings.

D. Nothing in this ~~chapter~~Chapter shall be interpreted to preclude an Enforcement Official from informally encouraging citizens to comply with this Code or other applicable laws. Informal oral or written requests to encourage compliance are encouraged, as are attempts to informally negotiate or mediate issues relating to compliance.

#### **Sec. 8.09.080. - Enforcement Officials.**

The Enforcement Official shall have the authority and powers necessary to determine whether an administrative violation of the Code exists and the authority to take appropriate action to gain compliance with the provisions of the Code. The Enforcement Official shall further have authority to issue notices and orders, the power to inspect public and private property, and use the administrative remedies that are available under the Code. ~~The Enforcement Official shall have authority to enforce this chapter and issue citations for violations.~~

~~For purposes of this chapter, the "Enforcement Official" is the CAO or other County employee(s) as designated by the CAO.~~ Upon request by the governing body of an agency that provides fire protection services within the County, the CAO may designate specified employees of such agency as Enforcement Officials. Such designated officials shall be authorized to enforce this ~~chapter~~Chapter only pursuant to a memorandum of understanding (MOU) approved by the Board of Supervisors and the governing board of the requesting agency. Any MOU for enforcement pursuant to this ~~chapter~~Chapter shall clearly define the rights and duties of each party and shall provide for the agency to defend, indemnify, and hold the County, its officers, agents, and employees harmless from and against any and all liability, loss, damage, claims, judgments, expenses, and any other costs of defense arising out of, resulting from, or related to the agency's actions in enforcing this ~~chapter~~Chapter. The MOU shall also specify the terms by which the CAO may revoke enforcement authority.

#### **Sec. 8.09.~~085~~081. - Investigative Officials.**

The Investigative Official shall have authority to conduct inspections, recommend ~~abatement~~Abatement, and refer violations to the Enforcement Official.

#### **Sec. 8.09.085. - Guidelines for ~~exercising~~Exercising enforcement~~enforcement~~Enforcement authorityAuthority.**

- A. Administrative enforcement of the provisions of this Code and other applicable laws shall be limited to cases where:
- (1) A complaint has been received from any person, including County personnel and representatives from other governmental agencies; or
  - (2) The violation occurs within the context of the County's oversight; or
  - (3) The enforcement action is a part of a plan for the uniform enforcement of a provision of the Code or other applicable laws within the County.
- B. A Notice of Violation and Order to Correct shall not be issued pursuant to a citizen complaint until the Enforcement Official has conducted an independent investigation and determined that there is good cause to believe that a violation has occurred.
- C. A Notice of Violation and Order to Correct imposing a fine and ~~abatement~~ Abatement of the condition by the County shall be available to redress infringement of the Code or applicable laws.

**Sec. 8.09.086. - Confidentiality in ~~connection~~ Connection with ~~citizen~~ Citizen ~~complaints~~ Complaints.**

The County shall take all reasonable steps to ensure that the identity of any person making a complaint to the County concerning a violation of the Code or other applicable laws shall remain confidential. It is declared and found by the Board that the public interest served by not making the information public clearly outweighs the public interest served by disclosure of the information as is required by the Public Records Act. It shall be a misdemeanor to knowingly file a false complaint.

**Sec. 8.09.090. - Inspection.**

An Investigative or Enforcement Official, or personnel acting under his or her direction, may enter upon private or public property whenever necessary to enforce or administer the provisions of this ~~chapter~~ Chapter; provided, however, that this right of entry and inspection shall not be construed to grant the right to enter into any dwelling or ~~structure~~ Structure which may be located on the land. Should the County determine that there is a reasonable expectation of privacy of the ~~property owner~~ Responsible Person with respect to the dwelling unit to be inspected, the County may request an inspection warrant pursuant to the provisions of ~~California~~ Code of Civil Procedure ~~Section~~ section 1822.50 et seq., which

warrant shall state the location which it covers and state the purposes of the inspection. When there is no reasonable expectation of privacy, such as with respect to an abandoned dwelling or building, the County's designated Investigative or Enforcement Official may enter onto that property without a warrant in order to inspect the property for the purposes of determining whether the provisions of this ~~chapter~~Chapter have been violated.

**Sec. 8.09.100. - Enforcement.**

Violations of this Chapter may be enforced, and fees and costs associated with the enforcement of this Chapter may be had, pursuant to the procedures set forth in Chapter 9.02, as amended, except as provided for below.

~~Violations of this chapter may be enforced pursuant to the legal authorities specified in Section 8.09.050 following the procedures and timelines specified in Section 8.09.110. As an alternative to such enforcement procedures, the Enforcement Official retains the discretion to commence a meet and confer process with property owners determined to be in violation of this chapter to attempt to agree to a mutually acceptable method for abating the ~~waste~~Waste, Weeds, Hazardous Vegetation, vegetation Hazardous and ~~combustible~~Combustible material Material existing on such property. ~~Nothing shall prohibit the Enforcement Official from issuing a hazard abatement notice to a property owner~~Responsible (s) and following the enforcement procedure specified in Section 8.09.110 with respect to property owners~~Responsible (s) who do not agree to a mutually acceptable abatement method after discussions with the Enforcement Official.~~~~

**Sec. 8.09.110. - Enforcement ~~p~~Procedure.**

- A. Initial Notice of Duty to Remove and Abate Waste, Hazardous Vegetation and Combustible Material.
1. Each year the Enforcement Official shall mail written notice to all owners of parcels Countywide or within a County emphasis area or wildfire risk area stating that all ~~waste~~Waste, hazardous Hazardous vegetation Vegetation and ~~combustible~~Combustible material Material located on such parcel must be removed and or ~~abated~~Abated as specified in Section 8.09.070 on or before the date specified in such notice.
  2. Alternatively, such written notice can be mailed to any owner Countywide when inspection of the parcel reveals a violation of this ~~chapter~~Chapter, or when a complaint alleging violation(s) of this Chapter is received by the Enforcement Official.

B. ~~Hazard Abatement Notice~~ Notice of Violation and Order to Correct.

1. If the meet and confer process described in Section 08.09.100 does not occur or does not result in ~~abatement~~ Abatement and removal of ~~waste~~ Waste, Weeds, ~~Hazardous~~ Vegetation and/or ~~combustible~~ Combustible ~~material~~ Material, the Enforcement Official may commence proceedings to enforce the provisions of this ~~chapter~~ Chapter when a violation is identified due to:
  - a. ~~The failure of an owner~~ Responsible Person of an ~~for a~~ unimproved ~~Unimproved~~ parcel ~~Parcel~~ to remove and ~~abate~~ Abate all ~~waste~~ Waste, ~~hazardous~~ Hazardous ~~vegetation~~ Vegetation and ~~combustible~~ Combustible ~~material~~ Material as required pursuant to ~~(f)13~~ this Chapter. ~~on or before the date specified in the notice described in;~~ or
  - b. ~~The failure of an owner of an improved parcel to remove and abate all waste, hazardous vegetation and combustible material within the time specified in the notice described in.~~

Enforcement proceedings are commenced by the mailing of a ~~hazard abatement notice~~ Notice of Violation and Order to Correct in the manner prescribed as follows: The Enforcement Official shall mail the ~~hazard abatement notice~~ Notice of Violation and Order to Correct to each ~~owner of the parcel~~ person ~~Person or entity that has an ownership interest in the parcel to which the violation pertains. Ownership interest shall be as~~ determined based on the last equalized assessment roll available on the date of mailing of the hazard ~~abatement~~ Abatement notice, to which the violation pertains. Notification may also be accomplished by posting the ~~hazard abatement notice~~ Notice of Violation and Order to Correct on the property if the owner's mailing address is not available or not current.

2. The contents of the ~~hazard abatement notice~~ Notice of Violation and Order to Correct ("Notice") shall include the following:
  - a. A description of the property by reference to the Assessor's parcel number as used in the records of the County Assessor, and by reference to the common name of a street or road upon which the property abuts, if the property abuts upon a road or street;



- b. A statement that there are ~~Waste, weeds~~ Weeds, grasses, hazardous ~~Hazardous~~ vegetation Vegetation, ~~waste and/or combustible~~ Combustible materials Materials, or other ~~Fire~~ Hazard condition upon the property that must be abated;
- c. A request that such ~~Waste, weeds~~ Weeds, grasses, hazardous ~~Hazardous~~ vegetation Vegetation, ~~waste and/or combustible~~ Combustible materials Materials be removed or ~~abated~~ Abated by the date specified in the notice, which shall be no less than 15 calendar days following the mailing or posting of the ~~notice~~ Notice;
- d. A statement that if such ~~weeds~~ Weeds, grasses, hazardous ~~Hazardous~~ vegetation Vegetation, ~~waste and/or combustible~~ Combustible materials Materials are not removed or ~~abated~~ Abated by the property owner by the specified date that such materials may be removed under authority of the County, and the costs of such removal and ~~abatement~~ Abatement may be made a legal charge against the owner or owners of the property, a lien imposed on and recorded against the property in the amount of such costs, and such costs referred to the County Auditor for collection together with property taxes on such property pursuant to the provisions of Health and Safety Code ~~Sections~~ sections 14875 through 14931, and Government Code ~~Section~~ section 25845;
- e. A statement referencing the right of the property owner to appeal the issuance of the ~~hazard abatement notice~~ Notice pursuant to ~~Section~~ section 8.09.120 ~~hereof~~ herein; ~~and~~
- f. With respect to notices which are posted, a title which reads "Notice of Violation and Order to Correct to Remove Weeds, Grass, Hazardous Vegetation, Waste and/or Other Combustible Materials," the letters of the foregoing title to be not less than one inch in height.
- g. Notices which are posted shall be conspicuously posted in front of the property, or if the property has no frontage upon a road or street, then upon a portion of the property nearest to a road or a street most likely to give actual notice to the owner. Notices shall be posted not more than 100 feet in distance apart upon property with more than 200 feet of frontage, and at least one notice shall be posted on each parcel with 200 or less feet of frontage.

- h. Such hazard ~~abatement~~ Abatement ~~notice~~ Notice also will be sent by certified mail to the property owner of such parcel as her or his name appears on the last equalized assessment roll and to the address shown on such assessment roll.

### Section 8.09.115 – Service of Notices

Whenever a notice is required to be given under this chapter and unless specifically provided otherwise, it shall be served pursuant to the process set out in Section 9.02.120, as amended.

#### ~~Sec. 8.09.115. Service of notices~~ Notices.

~~A. Whenever a notice~~ Notice ~~is required to be given under this chapter and unless specifically provided otherwise, it shall be served by any one of the following:~~

~~(1) Personal service to the owner, r~~ Person ~~if different than the owner, or anyone known by County to be in possession of the parcel;~~

~~(2) Certified mail, postage prepaid, return requested to the owner, r~~ Responsible p ~~Person if different than the owner, or anyone known by County to be in possession of the parcel. Simultaneously, the same notice~~ Notice ~~may be sent by regular mail. If a notice~~ Notice ~~that is sent certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned; or~~

~~(3) Posting the notice conspicuously on or in front of the property, business, or other place reasonably anticipated to provide notice to the responsible~~ Responsible person ~~Person of a violation of this Code.~~

~~B. Service of a notice~~ Notice ~~by any of the methods in Subsection A of this section shall be effective on the date of mailing or posting, as applicable.~~

~~C. If the certified mail is returned as unclaimed and the regular mail is returned as undeliverable, additional steps to attempt to provide notice shall be taken if those additional steps are practicable. The failure of any~~ Responsible person ~~Person to receive any notice~~ Notice ~~served in accordance with this section shall not affect the validity of any enforcement action taken under this Code so long as the notice~~ Notice ~~was reasonably anticipated to apprise the~~ Responsible person ~~Person under all of the circumstances.~~

~~D. Any notice served under this section shall describe the property by assessor's parcel number and street number or other description sufficient to enable identification of the property.~~

**Sec. 8.09.116. - Recording and Service of the Notice of Violation and Order to Correct;  
~~purpose.~~**

~~The Board finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire property subject to a violation. A seller is required to notify a buyer. Another method to accomplish this is through the issuance and recording of a Notice of Violation and Order to Correct. Any Notice of Violation and Order to Correct shall be recorded and served pursuant to the procedures in Chapter 9.02.140, et seq.~~

**~~Sec. 8.09.117. — Procedures for recording Notice and Order.~~**

~~A. — Once an Enforcement Official has issued a Notice of Violation and Order to Correct to a Responsible person and the property remains in violation after the deadline established in the Notice of Violation and Order to Correct, the Enforcement Official may record such notice with the County Recorder's Office.~~

~~B. — Any costs associated with recording the Notice of Violation and Order to Correct will constitute administrative costs of abatement subject to collection under this chapter.~~

**~~Sec. 8.09.118. — Service of recorded Notice and Order.~~**

~~A copy of the recorded Notice of Violation and Order to Correct shall be served on the responsible person and all owners of record as set forth in this chapter.~~

**Sec. 8.09.119. - Notice of compliance; removal procedures.**

~~A. — When a Notice of Violation and Order to Correct has been recorded and the violation listed on the has been corrected, the Responsible person Person may submit a written request to the Enforcement Official for a Notice of Compliance.~~

~~B. — Within a reasonable time of receiving a request for a Notice of Compliance, the Enforcement Official shall confirm that the violation has been corrected or abated, which confirmation may include the re-inspection of the property. The Enforcement Official shall provide a Notice of Compliance to the Responsible Person if the Enforcement Official determines that:~~

~~(1) — All violations listed in the recorded Notice and Order have been corrected;~~

~~(2) — All necessary permits have been issued and finalized; and~~

~~(3) — All administrative fines and fees have been paid.~~

~~C. — The Enforcement Official shall record or cause to be recorded the Notice of Compliance with the County Recorder's office. The recording of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation and Order to Correct.~~

~~D. If the Enforcement Official denies a request to issue a Notice of Compliance, the Enforcement Official shall serve the Responsible person with a written explanation setting forth the reasons for the denial and notice of the opportunity to appeal the denial by requesting a hearing under this chapter. The written explanation shall be served pursuant to Section 8.09.115.~~

The Enforcement Official shall follow the procedures set forth in Chapter 9.02.170 regarding the removal procedures for any recorded notice and order.

#### **Sec. 8.09.120. - Appeals procedure.**

Any person or entity who is adversely affected by the Notice of Violation and Order to Correct (~~“Notice”~~) specified in [Section 8.09.110](#) may appeal such Notice to the Enforcement Officer within 20 calendar days of the postmark on the hazard abatement notice by filing a written appeal with the Enforcement Official. Timely appeal shall stay any further action for removal or abatement until the date set for hearing, unless the weeds, hazardous vegetation, waste, or combustible material at issue presents an imminent fire hazard within 100 feet of any structure. The Enforcement Official shall set the matter for hearing before a hearing officer. The Enforcement Official shall notify the appellant by certified mail of the date and time set for such hearing, at least 15 days prior to said date. If the appellant resides outside the County, such notice of hearing shall be mailed to the appellant at least 20 days prior to the date set for the hearing. The hearing shall be conducted in accordance with the procedures set forth in section 9.02.350, et seq. of this Code.

#### **Sec. 8.09.125. - Penalty – Infraction.**

A. Notwithstanding the provisions of any other section of this Code, violation of any of the provisions of this chapter, or failure to comply with any of the regulatory requirements of this chapter, is an infraction.

B. Every violation of this chapter is punishable in the manner provided for in El Dorado County Ordinance Code section 9.02.210, as amended.:

C. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the County.

D. All fines shall be payable to El Dorado County unless otherwise directed in the Notice of Violation and Order to Correct.

E. For all delinquent unpaid administrative fines, there shall be a penalty imposed in accordance with the provisions of this chapter. The delinquency date for an administrative

fine shall be 30 calendar days following the imposition of the fine or the administrative determination of the hearing officer, whichever is later.

F. The right to and procedures for requesting an administrative hearing are detailed in section 8.09.120.

**Sec. 8.09.126. - Failure to pay a monetary sanction.**

Any amount owed under this chapter shall bear interest at the legal annual interest rate of 10% from the date such payment was due until paid in full.

The County may take any of the actions enumerated in section 9.02.230.

In addition, subject to authority granted by the Board of Supervisors through an appropriate resolution, the Enforcement Official or her/his designee may seek recovery of any amount owed through a small claims action, or through an action in Superior Court filed by County Counsel. Any judgment from either a small claims or Superior Court action shall be collected upon as a judgment lien pursuant to Code of Civil Procedure section 697.010, et seq.

**Sec. 8.09.130. - Seasonal designation or Reoccurring Public Nuisance.**

In the case of a parcel containing a fire hazard where it has been necessary for the County to abate the nuisance in two consecutive years, and the fire hazard is seasonal or recurring, the Board of Supervisors declares such a parcel to be a seasonal public nuisance. As to such parcels constituting a seasonal public nuisance, the Enforcement Official, or her/his designee may mail a post card notice to the Responsible Person(s) of the property at the address that appears upon the current assessment roll. The notice shall contain the information proscribed in Health and Safety Code section 14900.6-. If the nuisance is not abated by the Responsible Person(s) within the time specified, the County may proceed to abate the property and recover costs for doing so, pursuant to Health and Safety Code sections 149001 and 14902, and as provided for in this Chapter.

**Sec. 8.09.140. - Removal of hazardous vegetation and combustible material; purpose.**

The Board finds that it is necessary to establish appropriate procedures for the administrative and summary abatement of Code violations. These sections govern the abatement procedures established in all chapters of the Code unless other procedures are specifically stated to apply. Unless this chapter or any other chapter declares that a violation is deemed to be a nuisance, abatement by the County under this chapter may not proceed unless and until the condition or activity is declared to be a nuisance through a noticed

hearing before the Board, a hearing officer under this chapter, or by a court of competent jurisdiction.

Sec. 8.09.141. – Warrant Requirement.

Unless they do so with the consent of the owner, Enforcement Officials, County staff or contractors shall not enter any property or seize and property absent a valid warrant under California Code of Civil Procedure sections 1822.50 through 1822.56 authorizing the inspection, search, or seizure, or exigent circumstances providing an exception to the warrant requirement.

~~If, by the date specified in the Notice of Violation and Order to Correct, or as extended in cases of appeal, or through the meet and confer process, compliance with this chapter has not been accomplished, the Enforcement Official or her/his designee may order that waste, hazardous vegetation or other combustible material located on the property be removed by public officers and/or employees of the County, or may cause such removal to be carried out by a private contractor selected by the County.~~

**Sec. 8.09.145. – Abatement**

Any condition caused, maintained, or permitted to exist in violation of any provisions of this Code may be abated by the County pursuant to the procedures set forth in Chapter 9.02 of this Code.

**Sec. 8.09.150. – Summary Abatement**

Whenever the Enforcement Official or Hearing Officer determines that an imminent threat to public health or safety exists that requires immediate correction or elimination, the Enforcement Official may exercise the following powers to summarily abate the hazard or nuisance:

(a) Order the immediate removal of any and all Weeds, Grass, Hazardous Vegetation, Waste and/or Other Combustible Materials;

(b) Make any minimal emergency repairs as necessary to eliminate any immediate threat to public health or safety;

(c) Remove the hazard or nuisance that constitutes an immediate threat to public health or safety; and/or

(d) Take any other reasonable action deemed by the Enforcement Official as appropriate under the circumstances.



**Sec. 8.09.155. – Summary Abatement Procedures.**

Any condition caused, maintained, or permitted to exist in violation of any provisions of this Code may be abated by the County pursuant to the procedures set forth in Chapter 9.02 of this Code.

A. — The Enforcement Official shall attempt to make contact through a personal interview, or by telephone, with the owner of the property or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event such contact is made, the Code Enforcement Official shall notify such person of the danger involved and require that such condition be immediately removed, repaired, or isolated so as to preclude harm to any person or property. If the Code Enforcement Official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the Enforcement Official, do not take action within such time as may be specified by such official, then the Enforcement Official may take all actions deemed necessary to remove the hazard or nuisance that constitutes an immediate threat to public health or safety with the use of County forces or a contractor engaged pursuant to the provisions of this Code.

B. — The Enforcement Official shall pursue only the minimum level of correction or abatement as necessary to eliminate the imminent hazard. Costs incurred by the County during the summary abatement process, including any contractor costs, shall be assessed, collected, and recovered against the responsible person.

C. — The Enforcement Official may also pursue any other criminal, administrative, or judicial remedy to abate any remaining violation.

**Sec. 8.09.160. - Recovery of administrative fees; purpose.**

The Board finds there is a need to recover the cost of abatement incurred by the County in its code enforcement efforts. Costs of abatement include costs reasonably related to enforcement, including but not limited to, site inspections, travel time, investigations, telephone contacts, preparation of summaries, reports, notices, correspondence, warrants, and hearing packets, recordation of documents, and legal research and preparation for and attendance at any administrative proceedings under this chapter. The time expended by any County officer or staff to calculate the above costs and prepare itemized invoices, may also be recovered.

**Sec. 8.09.161. – Accounting.**

The Enforcement Officer shall keep an account of the cost of every abatement carried out and shall render a report in writing, itemized by parcel, showing the cost of abatement and the administrative costs for each parcel.

**Sec. 8.09.161. - Notification of assessment of administrative fees.**

A. Where the recovery of the costs of abatement and/or assessment of an administrative fee is authorized under this chapter, the Enforcement Official shall provide the responsible person with a written notice assessing the costs and/or fee. The written assessment shall be served in accordance with Section 9.02.120 and shall contain the following information:

(1) The amount of the administrative costs and/or fee charged;

(2) The case number;

(3) A deadline by which the administrative costs and/or fee must be paid;

(4) The violation giving rise to the administrative costs and/or fee; and

(5) The property by assessor's parcel number and street number or other description sufficient to enable identification of the property.

B. An administrative fee may be assessed as part of any administrative enforcement action as provided for in this chapter and is in addition to any fine imposed.

C. An administrative fee collected pursuant to this chapter shall not be duplicated in any other action to recover these identical fees.

D. The failure of any responsible person to receive notification under this section of the administrative costs and/or fees shall not affect the validity of any costs or fees imposed under this chapter.

**Sec. 8.09.17065. - Liability for costs.**

A. In any enforcement action brought pursuant to this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, each person who causes, permits, suffers, or maintains the nuisance to exist shall be liable for all costs incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during, or following enactment of this chapter;

B. In any action by the enforcing officer to abate a nuisance under this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this subdivision shall be limited to those actions or proceedings in which the county elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the county in the action or proceeding.

**Sec. 8.09.150170. - Collection of costs for abatement.**

A. When proceedings under this chapter result in the removal of weeds, grasses, hazardous vegetation, waste, or combustible material from property by the County or its agents or contractors due to the refusal of the Responsible Person to comply with this chapter, all costs incurred by the County in performing such removal may be assessed against the property. Such costs shall include the costs of labor, materials and equipment furnished by the County in removing such waste, hazardous vegetation and/or combustible material; the costs incurred by the County for payments to an independent contractor to remove such waste, hazardous vegetation and combustible material from the property; all administrative costs incurred by the County in removing such waste, hazardous vegetation and combustible material including actual costs of investigation, property inspection, boundary determination, measurement, clerical costs, related attorneys' fees, and administrative overhead costs for supervision, insurance, costs of publication, mailing and posting of notices; preparation of contracts with independent contractors to perform the abatement work; review of bids by contractors; administration of contracts for abatement activities; and other budgeted overhead items. If waste, weeds, hazardous vegetation and/or combustible material are ultimately removed from the property by the Responsible Person subsequent to the deadline for removal specified in any hazard abatement notice issued by the County, the County shall be entitled under this chapter to assess against the property all

such costs incurred securing such compliance with this chapter by the Responsible Person up to and including the final date of compliance.

B. The costs of abatement incurred by the County shall be mailed to the owner of the property demanding payment within 30 days of the date of mailing. If the costs are not paid by the responsible property owner within 30 days of the date of mailing of the notice, such costs shall be assessed against the parcel of land as a nuisance abatement lien in accordance with Health and Safety Code sections 14875 through 14931, and Government Code section 25845. The notice of lien shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, the date that the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost constituting the lien.

C. In the event of a summary abatement pursuant to this Chapter, if payment is not received within 30 days of the date of mailing the notice described herein, the Enforcement Officer shall cause to be prepared and recorded in the office of the County Recorder of the County of El Dorado, a Notice of Lien. Said Notice shall contain the following:

- a. An address, legal description, or other description sufficient to identify the premises.
- b. A description of the proceeding under which the special assessment was made.
- c. The amount of the assessment.
- d. A claim of lien upon the described premises.

Upon the recordation of such Notice of Lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be upon a parity with the liens of State and County taxes.

The Notice of Lien, after recordation, shall be delivered to the County Auditor who shall enter the amount of the lien on the assessment roll as special assessments. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are hereby made applicable to such assessment.

D. For all recoverable fees and costs that are not part of a summary abatement, the Enforcement Official or her/his designee may file an action in small claims court, or request County Counsel file an action in Superior Court for the recovery of non-summary abatement

fees and costs. Any judgment obtained therein shall be collected upon as a judgment lien pursuant to Code of Civil Procedure section 697.010, et seq.

~~B.——The Enforcement Official shall keep an account of such administrative and removal costs of abatement and shall submit to the Board of Supervisors for confirmation an itemized written report showing such unpaid costs and their proposed assessment to the respective properties subject to the hazard abatement notice. The report shall be filed with the Clerk to the Board of Supervisors not less than 15 calendar days in advance of the confirmation hearing required below.~~

~~C.——Upon receipt of the report, a public hearing shall be scheduled to receive any protests and to confirm the cost report. A statement of the proposed costs and notice of the time, date and place of the hearing, together with reference to the report on file with the Clerk, shall be mailed to the owner or owners of each parcel of property proposed to be assessed as shown on the last equalized assessment roll available on the date of mailing of the notice to the address or addresses of the owner or owners shown on the roll or any other address or addresses ascertained to be more accurate. Such notice shall be mailed not less than 15 calendar days in advance of the hearing.~~

~~D.——Notice of the time, date, and place of the public hearing by the Board shall be published once in a newspaper of general circulation published within the County. With respect to each property proposed to be assessed for which the name of the owner or owners is not shown on the last equalized assessment roll, or no address for an owner is shown on the last equalized assessment roll, the notice shall show the name or names of the owner or owners as such name or names are shown on the last equalized assessment roll, the Assessor's parcel number, the street address of the property if the property has an address and the address is known to the Enforcement Official, the name of the street or road upon which such property abuts if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report on file with the Enforcement Official. Such publication shall be made not less than 15 calendar days in advance of the hearing.~~

~~E.——At the time fixed for receiving and considering the report, the County Board of Supervisors shall conduct a public hearing and shall receive and consider any objections from members of the general public or property owners liable to be assessed for the costs of abatement. The County Board of Supervisors may continue the hearing and delegate to the Hearing Officer or his or her designee the responsibility of hearing individual protests and submitting a recommendation with respect thereto; provided, that the County Board of Supervisors provides an opportunity for individual consideration of each property upon which abatement activities have been conducted by the County upon receipt of a recommendation by the County Board of Supervisors may modify the report if it is deemed~~

~~necessary. The County Board of Supervisors shall then confirm the report by motion or resolution.~~

**Sec. 8.09.160175. - Levying of abatement costs against property.**

A. Abatement costs incurred by the County once approved by resolution of the County Board of Supervisors shall be mailed to the owner of the property demanding payment within 30 calendar days of the date of mailing. If the costs as confirmed are not paid by the responsible property owner within 30 calendar days of the date of mailing of the notice, such costs shall be assessed against the parcel of land as a nuisance abatement lien in accordance with Health and Safety Code sections 14875 through 14931, and Government Code section 25845. The notice of lien shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, set forth the date upon which the abatement of the nuisance was ordered by the County Board of Supervisors and the date that the abatement was complete, and include a description of the real property subject to the lien and the amount of the abatement cost constituting the lien. Recordation of a notice of abatement lien pursuant to this section shall have the same effect as recordation of a money judgment recorded pursuant to Code of Civil Procedure section 697.310 et seq. and shall create a lien which has the same priority as a judgment lien on real property which shall continue in effect until released. On the order of the County Board of Supervisors, or any designee of the County of Board of Supervisors, an abatement lien created under this chapter may be released or subordinated in the same manner as a judgment lien on real property may be released or subordinated.

B. As an alternative to, or in addition to the lien procedure detailed in Subsection A above, the abatement costs incurred by the County may be levied against the parcel of land subject to abatement activities by the County as a real property assessment in accordance with Health and Safety Code sections 14912 and 14915—14919 and Government Code Section 25845. Any assessment imposed on real property pursuant to this section may be collected at the same time and in the same manner as ordinary real property taxes are collected by the County of El Dorado, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary real property taxes. Notice of any assessment that is levied on real property pursuant to this section shall be given to the property owner by certified mail from County, and shall contain the information set forth in Health and Safety Code sections 14912 and 14915—14919 and Section 25845 of the Government Code. The County shall transmit the notice of such assessment levied on real property pursuant to this section to the County Auditor-Controller of El Dorado County with instructions to collect the assessment on the real property tax rolls for the ensuing fiscal year. Such notice shall be transmitted to the County Auditor-Controller prior to August 10 in any fiscal year.



**~~Sec. 8.09.170180. Penalty Infraction.~~**

~~A. Notwithstanding the provisions of any other section of this Code, violation of any of the provisions of this chapter, or failure to comply with any of the regulatory requirements of this chapter, is an infraction.~~

~~B. Every violation of this chapter is punishable by:~~

~~1. A fine not exceeding \$100.00 for the first violation and/or completion of a County approved defensible space educational program;~~

~~2. A fine not exceeding \$200.00 for the second violation within three years; and~~

~~3. A fine not exceeding \$500.00 for each additional violation within three years.~~

~~C. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the County.~~

~~D. All fines shall be payable to the [NAME] unless otherwise directed in the Notice of Violation and Order to Correct.~~

~~E. For all delinquent unpaid administrative fines, there shall be a penalty imposed in accordance with the provisions of this chapter. The delinquency date for an administrative fine shall be 30 calendar days following the imposition of the fine or the administrative determination of the hearing officer, whichever is later.~~

~~F. The right to and procedures for requesting an administrative hearing are detailed in section 8.09.120.~~

**~~Sec. 8.09.180181. Recovery of administrative fees; purpose.~~**

~~The Board finds there is a need to recover the cost of abatement incurred by the County in its code enforcement efforts. Costs of abatement include costs reasonably related to enforcement, including but not limited to, site inspections, travel time, investigations, telephone contacts, preparation of summaries, reports, notices, correspondence, warrants, and hearing packets, recordation of documents, and legal research and preparation for and attendance at any administrative proceedings under this chapter. The time expended by any County officer or staff to calculate the above costs and prepare itemized invoices, may also be recovered.~~

**~~Sec. 8.09.181182. Notification of assessment of administrative fees.~~**

~~A. Where the recovery of the costs of abatement and/or assessment of an administrative fee is authorized under this chapter, the Enforcement Official shall provide the responsible~~

~~person with a written notice assessing the costs and/or fee. The written assessment shall be served in accordance with Section 9.02.120 and shall contain the following information:~~

- ~~(1) — The amount of the administrative costs and/or fee charged;~~
- ~~(2) — The case number;~~
- ~~(3) — A deadline by which the administrative costs and/or fee must be paid;~~
- ~~(4) — The violation giving rise to the administrative costs and/or fee; and~~
- ~~(5) — The property by assessor's parcel number and street number or other description sufficient to enable identification of the property.~~

~~B. — An administrative fee may be assessed as part of any administrative enforcement action as provided for in this chapter and is in addition to any fine imposed.~~

~~C. — An administrative fee collected pursuant to this chapter shall not be duplicated in any other action to recover these identical fees.~~

~~D. — The failure of any responsible person to receive notification under this section of the administrative costs and/or fees shall not affect the validity of any costs or fees imposed under this chapter.~~

**~~Sec. 8.09.182183. — Failure to pay a monetary sanction.~~**

~~Any amount owed under this chapter shall bear interest at a rate established by a resolution of the Board from the date such payment was due until paid in full. The County may take any of the following actions to collect money owed under this chapter:~~

~~A. — For any fine or penalty:~~

~~(1) — Liens. To the fullest extent allowed by law and after notice and a hearing before the Board, the amount of the unpaid sanction plus interest and a reasonable administrative fee established by the Board from time to time to cover the cost of collection may be declared a lien on any real property owned by the responsible party within the County.~~

~~(a) — Notice shall be given to the responsible party prior to the recordation of the lien and shall be served as required by this chapter.~~

~~(b) — The lien shall attach when the Chief Administrative Officer or his or her designee records a lien listing delinquent unpaid sanctions with the County Recorder's Office. The lien shall specify the amount of the lien, the date of the Code violation, the date of the final administrative decision, the street address, legal description, and parcel number of the parcel on which the lien is imposed and the name and address of the Responsible Person.~~

~~(c) — In the event that the lien is satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in Subsection (A)(1)(b) of this section shall be recorded by the County Recorder.~~

~~(2) — Any other administrative or judicial remedy available for the collection of unpaid sanctions.~~

~~B. — For Abatement Costs and related administrative fees and costs:~~

~~(1) — A special assessment pursuant to Government Code sections 38773.5 and 25845 may be declared against the parcel of land on which the nuisance is maintained provided that one or more owners of that parcel created, caused, committed, or maintained the nuisance giving rise to the violation. After providing notice pursuant to Government Code section 38773.5(c), the Chief Administrative Officer or his or her designee may present a resolution to the Board to declare a special assessment, and upon passage and adoption thereof, shall cause a certified copy thereof to be recorded with the County Recorder's office. The assessment may then be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to the special assessment.~~

~~(2) — Nuisance abatement lien pursuant to Government Code section 38773.1. After providing notice pursuant to Government Code section 38773.1(b) and hearing before the Board, the Chief Administrative Officer or his or her designee may present a resolution to the Board to declare a nuisance abatement lien and, upon passage and adoption thereof, shall cause a certified copy thereof to be recorded with the County Recorder's office.~~

~~(3) — Any other administrative or judicial remedy available for the collection of unpaid costs of abatement or administrative costs.~~

~~C. — In addition to any requirements under state law, any notice for a lien for penalties, nuisance abatement lien, or special assessment shall, at a minimum, identify the record owner or possessor of the property, set forth the date upon which the decision of the Hearing Officer if a hearing was requested, describe the real property subject to the lien, set forth the amount of the costs and penalties incurred to date, and, if applicable, the date upon which the abatement was completed. If the abatement has not yet been completed, the notice shall so state and shall also indicate that the lien is a partial lien and that additional abatement costs will be incurred in the future.~~

~~D. — In any action under this chapter, including any action to collect unpaid fines or abatement costs, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorney's~~

~~fees incurred. Recovery of attorney's fees under this subsection shall be limited to those actions or proceedings in which the county elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorney's fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the county in the action or proceeding.~~

**Sec. 8.09.185180. - Recovery of collection costs.**

- A. Any person who fails to pay any obligation shall be liable in any action brought by the County for all costs incurred in securing payment of the delinquent amount, including but not limited to, administrative costs and time expended by County staff and counsel.
- B. Collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the delinquent obligation.
- C. Collection costs imposed under this provision shall be added to and become a part of the underlying obligation.
- D. Collection costs may be recovered as provided for in ~~section 8.09.180~~in this Chapter.

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